

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 THOMAS S. LAZAR
Supervising Deputy Attorney General
3 ALEXANDRA M. ALVAREZ, State Bar No. 187442
Deputy Attorney General
4 110 West "A" Street, Suite 1100
San Diego, CA 92101
5 P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3141
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9 **BEFORE THE**
10 **PHYSICAL THERAPY BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 1D-2007-64995

13 GLORIA E. THOMAS, P.T.A.
16501 Manchester Street
14 Victorville, CA 92394

A C C U S A T I O N

15 Physical Therapy Assistant No. AT 5792

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Steven K. Hartzell (Complainant) brings this Accusation solely in his
21 official capacity as the Executive Officer of the Physical Therapy Board of California,
22 Department of Consumer Affairs.

23 2. On or about April 19, 2000, the Physical Therapy Board of California
24 issued Physical Therapy Assistant No. AT 5792 to GLORIA E. THOMAS, P.T.A. (Respondent).
25 The Physical Therapy Assistant License was in full force and effect at all times relevant to the
26 charges brought herein and will expire on March 31, 2008, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Physical Therapy Board of California (Board), Department of Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2609 of the Code states:

“The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.”

5. Section 2630 of the Code states:

“It is unlawful for any person or persons to practice, or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing the person holds a valid, unexpired, and unrevoked license issued under this chapter.

“....”

6. Section 2660 of the Code states:

“The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

“....

“(i) Conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the State Medical Practice Act.

“(l) The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, or duties of a physical therapist or physical therapy assistant.

“....”

1 7. Section 2262 of the Code states:

2 “Altering or modifying the medical record of any person, with fraudulent intent,
3 or creating any false medical record, with fraudulent intent, constitutes unprofessional
4 conduct. In addition to any other disciplinary action, the Division of Medical Quality or
5 the California Board of Podiatric Medicine may impose a civil penalty of five hundred
6 dollars (\$500) for a violation of this section.”

7 8. Section 810 of the Code states:

8 “(a) It shall constitute unprofessional conduct and grounds for disciplinary action,
9 including suspension or revocation of a license or certificate, for a health care
10 professional to do any of the following in connection with his or her professional
11 activities:

12 “....

13 “(2) Knowingly prepare, make, or subscribe any writing, with intent to present or
14 use the same, or to allow it to be presented or used in support of any false or fraudulent
15 claim.

16 “...”

17 9. California Code of Regulations, title 16, section 1399.20, states:

18 “For the purposes of denial, suspension or revocation of a license, pursuant to
19 Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
20 considered to be substantially related to the qualifications, functions or duties of a person
21 holding a license under the Physical Therapy Practice Act if to a substantial degree it
22 evidences present or potential unfitness of a person to perform the functions authorized
23 by the license or approval in a manner consistent with the public health, safety or welfare.
24 Such crimes or acts shall include but not be limited to the following:

25 “(a) Violating or attempting to violate, directly or indirectly, or assisting in or
26 abetting the violation of, or conspiring to violate any provision or term of the Physical
27 Therapy Practice Act....”

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1 COST RECOVERY

2 10. Section 2661.5 of the Code states, in pertinent part:

3 "In any order issued in resolution of a disciplinary proceeding before the board,
4 the board may request the administrative law judge to direct any licensee found guilty of
5 unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable
6 costs of the investigation and prosecution of the case."

7 FIRST CAUSE FOR DISCIPLINE

8 **(Unlicensed Practice of Physical Therapy)**

9 11. Respondent has subjected her Physical Therapy Assistant No. AT 5792 to
10 disciplinary action under section 2660, as defined by section 2630, of the Code, in that
11 respondent practiced as an unlicensed physical therapist. The circumstances are as follows:

12 On or about October 20, 2006, respondent had arranged for a physical therapist to
13 evaluate patient W.P.; however, the physical therapist was unable to contact patient W.P. because
14 he had the wrong telephone number for the patient. On or about October 26, 2006, respondent
15 went to patient W.P.'s residence. She evaluated patient W.P., filled out the Physical Evaluation
16 form, and forged the signature of the physical therapist to the form. Respondent then submitted
17 the form to W.P.'s home health care agency.

18 SECOND CAUSE FOR DISCIPLINE

19 **(Fraudulent, Dishonest, and/or Corrupt Acts)**

20 12. Respondent has further subjected her Physical Therapy Assistant No. AT
21 5792 to disciplinary action under section 2660 and Title 16, section 1399.20, subdivision (a), of
22 the California Code of Regulations, as defined by section 2660, subdivisions (i) and (l), of the
23 Code, in that respondent has committed fraudulent, dishonest, and/or corrupt acts, which are
24 substantially related to the qualifications, functions or duties of a physical therapist assistant.
25 The circumstances of the acts are described in paragraph 11, above, which is incorporated herein
26 in its entirety.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Creating False Medical Record)**

3 13. Respondent has further subjected her Physical Therapy Assistant No. AT
4 5792 to disciplinary action under section 2660, as defined by section 2262, of the Code, in that
5 respondent created a false medical record, with fraudulent intent. The circumstances of the acts
6 are described in paragraph 11, above, which is incorporated herein in its entirety.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(Preparation of Medical Record in Support of a False and/or Fraudulent Claim)**

9 14. Respondent has further subjected her Physical Therapy Assistant No. AT
10 5792 to disciplinary action under section 2660, as defined by section 810, subdivision (a)(2), of
11 the Code, in that respondent knowingly prepared a medical record with the intent that it be used
12 in support of a false and/or fraudulent claim. The circumstances of the acts are described in
13 paragraph 11, above, which is incorporated herein in its entirety.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board of California issue a decision:

1. Revoking or suspending Physical Therapy Assistant No. AT 5792, issued to GLORIA E. THOMAS, P.T. Gloria E. Thomas, P.T.A.;
2. Ordering Gloria E. Thomas, P.T.A. to pay the Physical Therapy Board of California the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: _____

STEVEN K. HARTZELL
Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant

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